



Administrative Policies and Procedures: 13.32

Subject:	Detainers
Authority:	TCA 37-5-105; 37-5-106
Standards:	ACA: 3-JTS-5I-14
Application:	To All Department of Children's Services Juvenile Justice Employees

Policy Statement:

Detainers received for youth in the physical custody of the Department of Children's Services shall be reviewed by appropriate DCS General/Regional Counsel who shall determine if a youth will be released, subject to a detainer, to an outside agency.

Purpose:

A Detainer represents an outstanding charge that may or may not be adjudicated and should not automatically constitute a barrier to release to an aftercare program or other approved placement. Staff should, as a matter of practice, trace detainers to determine their basis and probability of service. When appropriate, the releasing authority should release juveniles to detainers.

Procedures:

A. Receipt of detainers	<p>Detainers will be issued by the department when youth in DCS physical or legal custody are released to the temporary custody of outside agencies. Youth Development Center and DCS Group Homes staff will take the lead in all cases involving detainers for youth placed in DCS facilities. For youth not placed in DCS facilities, the youth's Family Service Worker (FSW) will take the lead in all cases involving detainers.</p> <ol style="list-style-type: none">1. When a detainer is received on a youth in the physical custody of the department, the YDC Superintendent, DCS Group Home Director, or appropriate FSW will immediately notify the appropriate Legal/Regional Attorney.2. The appropriate Legal/Regional Attorney will:<ol style="list-style-type: none">a) Review the detainer;b) Determine its basis and probability of service;c) If the youth was judicially transferred and sentenced as an adult and being held for the Department of Corrections, determine the applicability of the Interstate Compact on Detainers; and
--------------------------------	--

	<p>d) For youth committed to DCS, determine the applicability of the Interstate Compact on Juveniles.</p> <p>3. A copy of the detainer received will be retained by DCS in the Youth's case file.</p>
B. Applicability of the interstate compact on detainers	<p>1. If under A.2.c., of this policy, the Interstate Compact on Detainers is applicable, the appropriate Legal/Regional Attorney will notify the Superintendent, DCS Group Home Director or FSW and the Department of Corrections Detainer Officer.</p> <p>2. With assistance from the DOC Detainer Officer, the youth against whom a detainer is filed will then be advised of his/her rights under Article III of the Interstate Compact on Detainers.</p>
C. Applicability of the interstate compact on juveniles	<p>1. If under A.2.d. of this policy, the Interstate Compact on Juveniles is applicable, the appropriate Legal/Regional Attorney will notify the Superintendent, DCS Group Home supervisor, appropriate FSW and the Deputy Compact Administrator of this determination.</p> <p>2. A detainer will not in itself constitute an automatic bar to a youth's release or discharge. In all cases it will be the responsibility of the appropriate Legal/Regional Attorney to determine if a youth is to be released to a detainer.</p>
D. Issuance of detainers	<p>1. Whenever a youth in the physical or legal custody of DCS is released to the temporary custody of another agency, the Youth Development Superintendent, DCS Group Home Director, or FSW will issue a detainer. Circumstances appropriate for the issuance of detainers by the department include, but are not limited to:</p> <ul style="list-style-type: none"> a) DCS youth held by County Sheriff (or jail) on adult charges; b) DCS youth transported (by outside agency with no DCS staff escort) to court for testimony; and c) Youth on AWOL status who are held in detention (or jail) on new charges. <p>Please note: Detainers should not be issued when DCS Youth are placed with (or transported by) agencies that have contracted with DCS for those services (i.e., Transcor, Youth Villages, etc.).</p> <p>2. The superintendent, DCS Group Home director, or appropriate FSW or designee will ensure that the detainer is delivered to and signed by the receiving agency prior to relinquishing the DCS youth to the outside agency.</p> <p>3. The original copy of the detainer will be left with the receiving agency and a copy will be retained by DCS in the Youth's case file.</p>

Forms:	<u>CS-0557, Detainer Notification</u>
---------------	---

Collateral documents:	<i>None</i>
------------------------------	-------------